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In re Application of : **OFFICE OF PETITIONS**  
Douglas Barry et al. :  
Application No. 10/626,463 : **DECISION ON PETITION**  
Filed: July 24, 2003 :  
Title: CONVEYOR TRACK DRIVE :

This is a decision on the petition filed November 15, 2004, requesting that Figures 1-5 be accorded a filing date of July 24, 2003, as part of the original disclosure.

The application was deposited on July 24, 2003. However, on September 10, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application (notice)", stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the receipt of drawings. The notice further indicated that the basic filing fee would be required, and set a two-month period for response.

In response, on November 15, 2004, applicants filed the present petition. The petition is further accompanied by the petition and filing fees, and a copy of Figures 1-5, along with a copy of applicants' postcard receipt acknowledging receipt of "Dwgs: 4 sheets" in the United States Patent and Trademark Office (Office) on July 24, 2003. Applicants request that Figures 1-5 be accorded a filing date of July 24, 2003 as part of the original disclosure.

It is noted that no drawings have been located in the electronic file.

Upon review of the record, the above-mentioned figures have not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 24, 2003 included Figures 1-5, and the sheets containing these figures were subsequently misplaced in the Office.

Therefore, the application, including Figures 1-5, was complete on filing and this figure is entitled to a filing date of July 24, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed September 10, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. A treasury check will be issued in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 24, 2003, using the original application papers filed on that date, as well as the Figures 1-5 submitted on November 15, 2004 and for indication in Office records that these figures were present on filing. OIPE will then mail a corrected filing receipt.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



**Paul Shanowski**  
**Senior Attorney**  
**Office of Petitions**  
**United States Patent and Trademark Office**